

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES WALLACE,

Plaintiff,

CIVIL ACTION NO. 12-12656

v.

DISTRICT JUDGE BERNARD A. FRIEDMAN

WAYNE COUNTY, a Michigan County, MAGISTRATE JUDGE MARK A. RANDON
ROBERT A. FICANO, NADER FAKOURI,
VALERIE DENHA, TOM DOWNEY,
LYNN INGRAM; all individuals sued in
Official and personal capacity,

Defendants.

ORDER REGARDING DISCOVERY MOTIONS (DKT. NOS. 35, 38, and 47)

This matter is before the Court on three motions:

- (1) Defendants' Motion to Compel Production of Media Communications and Marriage Counseling Records (Dkt. No. 35);
- (2) Plaintiff's Motion to Extend Scheduling Order Dates, Compel the Deposition of Defendant Ficano, Compel Production of Documents and Take More than 10 Depositions (Dkt. No. 38); and
- (3) Defendants' Combined Motion for Protective Order and Response to Plaintiff's Motion to Extend Scheduling Order Dates, Compel the Deposition of Ficano, Compel Production of Documents, and Take More than 10 Depositions (Dkt. No. 47).

Oral argument was heard on January 8, 2013. For the reasons stated on the record, the Court finds as follows:

- (1) Defendants' request for media communications is **GRANTED**. Plaintiff has until **January 25, 2013** to provide Defendants all documents or recordings reflecting or concerning any conversations between Plaintiff and any member of the media regarding any Defendant or issue raised in Plaintiff's Complaint. Plaintiff must also provide Defendants all documents or recordings reflecting or concerning any conversations between Plaintiff's attorney and any member of the media, if such documents or recordings mention Plaintiff or Defendants.

- (2) Defendants' request for marriage counseling records is **DENIED AS MOOT**. The parties agree this issue was resolved.
- (3) Plaintiff's request for an extension of scheduling order dates is **DENIED AS MOOT**. District Judge Bernard A. Friedman extended the dates on December 10, 2012 (Dkt. No. 40).
- (4) Plaintiff's request to take more than 10 depositions is **GRANTED**. Plaintiff may depose the six fact witnesses he identified (Brook Blackwell, Alan Helmkamp, Timothy Taylor, Matthew Schenck, Joanne Abdenour, and Carla Sledge) in addition to the individual Defendants. The depositions of any non-party witness beyond the tenth deposition shall be limited to two hours.
- (5) Plaintiff's request to depose Defendant Ficano is **GRANTED**, and Defendants' request for a protective order is **DENIED**. However, Ficano's deposition is limited to 90 minutes, and it must be scheduled at Ficano's convenience.
- (6) Plaintiff's request to compel Defendants to respond to his Request to Produce Number 14 is **GRANTED**. However, the Court limits the scope of Defendants' response: Defendants have until **January 25, 2013** to produce all documents any Defendant sent out to Ficano appointees regarding his campaign, including but not limited to e-mails, letters, mailings, postcards, flyers, invitations to events, text messages, etc., from 2007 to present. Defendants are only required to search county computers, not the individual Defendants' personal computers.
- (7) Defendants' request to strike the deposition testimony filed by Plaintiff is **DENIED**. However, going forward, the parties must only file relevant portions of deposition testimony and redact all personal information. To the extent necessary for appeal purposes or otherwise, the parties may attach the entire deposition testimony to their motions for summary judgment (personal information must still be redacted).
- (8) Defendants' requests for costs and fees are **DENIED**.

IT IS ORDERED.

s/Mark A. Randon
MARK A. RANDON
UNITED STATES MAGISTRATE JUDGE

Dated: January 9, 2013

Certificate of Service

I hereby certify that a copy of the foregoing document was served on the parties of record on this date, January 9, 2013, by electronic and/or first class U.S. mail.

s/Melody R. Miles

Case Manager to Magistrate Judge Mark A. Randon
(313) 234-5542